

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

DARLEEN JACOBS LEVY

PLAINTIFF

VERSUS

CIVIL ACTION NO. 1:05CV97-RHW

MIKE MCGILL, et al

DEFENDANTS

ORDER

Before the Court is Defendants' [78] Motion to Dismiss for Lack of Jurisdiction and Plaintiff's [90] Motion for Leave to File an Amended Complaint. The Court will treat both motions in this Order because the underlying issues are inter-related.

Defendants filed their [78] Motion to Dismiss and argued that Plaintiff's complaint alleged that the parties were "residences" of different states but did not allege diversity of "citizenship" as required by 28 U.S.C. § 1332(a)(1). Plaintiff responded by filing the instant [90] Motion to Amend in order to correct the Complaint and allege diversity of citizenship. Defendants have not filed a response to the Motion to Amend. Moreover, the Court has reviewed the cases cited by the parties and finds that, in light of Plaintiff's proposed amendment, the Motion to Dismiss should be denied.

IT IS THEREFORE ORDERED AND ADJUDGED that Plaintiff's [90] Motion to Amend is GRANTED.

IT IS FURTHER ORDERED that Defendants' [78] Motion to Dismiss is DENIED.

SO ORDERED, this the 8th day of May, 2006.

sl/ Robert H. Walker
UNITED STATES MAGISTRATE JUDGE